

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )  
 )  
DENNIS L. CHEZ, M.D. ) No. D-4818  
Certificate No. G-24790 ) N-41450  
 )  
Respondent. )  
\_\_\_\_\_ )

DECISION

The attached Proposed Decision is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on June 3, 1994.

IT IS OR ORDERED May 4, 1994.

By: Karen McElliot  
KAREN MCELLIOTT  
President  
Division of Medical Quality

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation	)	No. D-4818
Against	)	
DENNIS L. CHEZ, M.D.	)	OAH No. N-41450
Physician's and Surgeon's	)	
Certificate No. G-024790	)	
Respondent.	)	

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ORDER REMANDING CASE TO A.L.J.

The Division of Medical Quality is remanding this case to the Administrative Law Judge and parties to provide stipulated findings of fact to assist the Division in determining whether the penalty fits the offense. The Division would also appreciate more information about the respondent, his type of practice, his specialty, if any, and whether there are mitigating circumstances involved.

Therefore, the case is ordered remanded to the Administrative Law Judge for these clarifications.

DATED: December 17, 1993

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

By Theresa J. Claassen  
THERESA CLAASSEN  
Secretary



FINDINGS OF FACT

I

Dixon Arnett, Executive Director of the Medical Board of California (Board), filed the Accusation against respondent. Arnett acted in his official capacity.

II

On July 2, 1973, the Board issued physician's and surgeon's certificate Number G-024790 to respondent. The certificate was in full force and effect at all times relevant to this matter.

III

The Stipulation in Settlement is attached to and made a part of this Proposed Decision by reference. It will become effective, pursuant to its terms, if adopted by the Board.

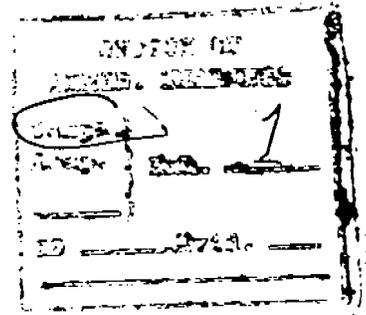
ORDER

The Stipulation in Settlement is adopted as the Order in this matter including its terms and conditions.

Dated: September 16, 1993

  
LEONARD L. SCOTT  
Administrative Law Judge  
Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
Supervising Deputy Attorney General  
3 ROBERT C. MILLER  
Deputy Attorney General  
4 1515 K Street, Suite 511  
P. O. Box 944255  
5 Sacramento, CA 94244-2550  
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6 Attorneys for Complainant  
7



8 BEFORE THE DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11	In the Matter of the	)	No. D-4818
12	Accusation Against:	)	
13	DENNIS L. CHEZ, M.D.	)	STIPULATION IN SETTLEMENT
14	P. O. BOX 11137	)	
15	Truckee, CA 95737	)	
16	Physician's and Surgeon's	)	
17	Certificate No. G-024790	)	
	Respondent.	)	

18 Respondent Dennis L. Chez, M.D., through his counsel  
19 James Jay Seltzer, and the Medical Board of California, Division  
20 of Medical Quality, through its counsel Deputy Attorney General  
21 Robert C. Miller, do hereby enter into the following stipulation:  
22 1. Dixon Arnett, Executive Director of the Medical  
23 Board of California (hereinafter "Board") filed amended  
24 accusation number D-4818 solely in his official capacity.  
25 2. On July 2, 1973, the Board issued physician and  
26 surgeon certificate number G-024790 to Dennis L. Chez  
27 / / /

1 (hereinafter "respondent"). The certificate was in full force  
2 and effect at all times pertinent herein.

3 3. Respondent has read and understands the charges  
4 contained in the accusation. Respondent has been advised by his  
5 counsel, Mr. Seltzer, of the charges and possible defenses.  
6 Respondent understands that those charges, if found to be true,  
7 constitute cause for disciplinary action.

8 4. Respondent understands that he has a right to a  
9 hearing on the charges contained in the accusation, to  
10 reconsideration, to appeal, and to any and all rights accorded  
11 him by the Administrative Procedure Act and Code of Civil  
12 Procedure. Respondent hereby freely and voluntarily waives those  
13 rights in order to enter into this stipulation as a resolution of  
14 the pending accusation against him.

15 5. It is expressly understood by the parties that the  
16 admissions made herein are for the purposes of this proceeding or  
17 other proceeding before the Board and may not be used for any  
18 other purpose.

19 6. Subject to the proviso in item 5 above, respondent  
20 admits as true the allegations contained in paragraphs 11 and  
21 13(c) of amended accusation number D-4818.

22 7. Based on the waivers and admissions made herein,  
23 the Division of Medical Quality of the Board may issue the  
24 following decision:

25 Physician and surgeon certificate number G-024790,  
26 heretofore issued to Dennis L. Chez, M.D., is hereby revoked;  
27 provided, however, that said revocation is stayed, and respondent

1 is placed on probation for a period of five (5) years upon the  
2 following terms and conditions:

3 (A) As part of probation, respondent will not serve  
4 any actual suspension from the practice of medicine.

5 (B) Within <sup>ninety 90</sup> ~~sixty (60)~~ days of the effective date of  
6 this decision, respondent shall take and pass <sup>by a score of 70% or bet</sup> ~~an oral~~  
7 examination, on the subject of appropriate prescribing and  
8 maintaining of controlled substances, to be administered by the  
9 Division or its designees. If respondent fails this examination,  
10 respondent must take and pass a re-examination consisting of a  
11 written as well as an oral examination. The waiting period  
12 between repeat examinations shall be at <sup>one</sup> ~~three months~~ intervals  
13 until success is achieved. Respondent shall pay the cost of the  
14 initial <sup>written</sup> ~~oral~~ examination and any subsequent re-examinations.

15 If respondent fails the first examination, respondent  
16 shall cease the practice of medicine until the re-examination has  
17 been successfully passed, as evidenced by written notice to  
18 respondent from the Division. Failure to pass the required  
19 examination no later than 100 days prior to the termination date  
20 of probation shall constitute a violation of probation.

21 (C) Within thirty (30) days of the effective date of  
22 this decision, respondent shall be evaluated by the Division's  
23 Diversion Program and shall subsequently enroll and participate  
24 in the Diversion Program if ordered by the Division until the  
25 Division determines that further treatment and rehabilitation is  
26 no longer necessary. If the Division Evaluation Committee  
27 recommends that respondent enroll in the Diversion Program,

1 respondent shall have the right to request a second evaluation by  
2 an outside psychiatrist approved by the Division. Quitting the  
3 program without permission or being expelled for cause shall  
4 constitute a violation of probation by respondent. All costs of  
5 evaluation and any subsequent treatment shall be paid by  
6 respondent.

7 (D) Respondent shall not prescribe, administer,  
8 dispense, order, or possess the Schedule III controlled  
9 substance, hydrocodone, or any of its brand names, including  
10 Vicodin.

11 (E) Respondent shall maintain a record of all  
12 controlled substances prescribed, dispensed or administered by  
13 him during probation, showing all the following: (1) The name  
14 and address of the patient; (2) The date; (3) The character and  
15 quantity of controlled substances involved; and (4) The  
16 indications and diagnosis for which the controlled substance was  
17 furnished.

18 Respondent shall keep these records in a separate file  
19 or ledger, in chronological order, and shall make them available  
20 for inspection and copying by the Division or its designee, upon  
21 request.

22 (F) Within ninety (90) days of the effective date of  
23 this decision, and on an annual basis thereafter, respondent  
24 shall submit to the Division for its prior approval an  
25 educational program or course in the areas of proper drug  
26 prescribing practices, which shall not be less than thirty (30)  
27 hours per year, for each year of probation. This program shall

from  
SCT

1 be in addition to the Continuing Medical Education requirements  
2 for re-licensure. ~~Following the completion of each course, the~~  
3 ~~Division or its designee may administer an examination to test~~  
4 ~~respondent's knowledge of the course.~~ Respondent shall provide  
5 proof of attendance for fifty-five (55) hours of continuing  
6 medical education of which thirty (30) hours were in satisfaction  
7 of this condition and were approved in advance by the Division.

8 (G) Within the first year of probation respondent  
9 shall complete a board approved course in ethics.

10 (H) Within sixty (60) days of the effective date of  
11 this decision, respondent shall submit to the Division for its  
12 prior approval a community service program in which respondent  
13 shall provide free medical services to his community, or to a  
14 charitable facility or agency, for at least twenty (20) hours a  
15 month for the first twelve (12) months of probation.

from  
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*alternative, respondent shall within sixty days of effective date of this decision pay to*

16 (I) Respondent shall obey all federal, state and local  
17 laws and all rules governing the practice of medicine in  
18 California.

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19 (J) Respondent shall submit quarterly declarations  
20 under penalty of perjury on forms provided by the Division,  
21 stating whether there has been compliance with all of the  
22 conditions of probation.

23 (K) Respondent shall comply with the Division's  
24 probation surveillance program.

25 (L) Respondent shall appear in person for interviews  
26 with the Division's medical consultant upon request at various  
27 intervals and with reasonable notice.

1 (M) In the event that respondent should leave  
2 California to reside or practice outside the state, respondent  
3 must notify the Division in writing of the dates of departure and  
4 return. Periods of residency or practice outside California will  
5 not apply to the reduction of the probationary period.

6 (N) Upon successful completion of probation,  
7 respondent's certificate will be fully restored.

8 (O) If respondent violates probation in any respect,  
9 the Division, after giving notice and opportunity to be heard may  
10 revoke probation and carry out the disciplinary order that was  
11 stayed. If an accusation or petition to revoke probation is  
12 filed against respondent during probation, the Division shall  
13 have continuing jurisdiction until the matter is final, and the  
14 period of probation shall be extended until the matter is final.

15 8. Respondent may not withdraw this stipulation prior  
16 to the Board's formal action on the stipulation. In the event

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1 this stipulation is not adopted by the Board, it shall have no  
2 force or effect on any party.

3 DATED: 8/16/93

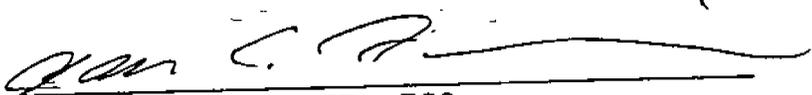
4 DANIEL E. LUNGREN, Attorney General  
5 of the State of California  
6 JANA L. TUTON  
7 Supervising Deputy Attorney General

8   
9 \_\_\_\_\_

ROBERT C. MILLER  
Deputy Attorney General

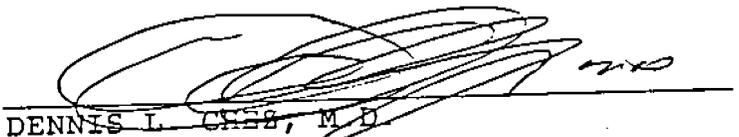
Attorneys for Complainant

11  
12 DATED: 8/16/93

13   
14 \_\_\_\_\_

~~JAMES JAY BELTZER, ESQ.~~  
Jean Francissen  
Attorney for Respondent

15  
16 DATED: 8/20/93

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18 \_\_\_\_\_

DENNIS L. CRESS, M.D.

Respondent

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1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 JANA L. TUTON  
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6 Attorneys for Complainant  
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8 BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
9 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
10

11 In the Matter of the ) No. D-4818  
Accusation Against: )  
12 ) AMENDED ACCUSATION  
DENNIS L. CHEZ, M.D. )  
13 P. O. BOX 11137 )  
Truckee, CA 95737 )  
14 )  
Physician's and Surgeon's )  
15 Certificate No. G-024790 )  
16 Respondent. )  
17

18 Dixon Arnett, the complainant herein, alleges as  
19 follows:

- 20 1. He is the Executive Director of the Medical of  
21 California, and makes and files this accusation in his official  
22 capacity as such and not otherwise.  
23 2. On or about July 2, 1973, respondent Dennis L.  
24 Chez, M.D. (hereinafter "respondent") was issued physician's and  
25 surgeon's certificate No. G-024790 under the laws of the State  
26 of California. This certificate is currently in full force and  
27 effect and will expire on April 30, 1992 if not renewed.

1           3.    Section 2234 of the Business and Professions Code  
2 (hereafter the "Code") provides that the Division of Medical  
3 Quality of the Medical Board of California shall take action  
4 against a holder of a physician's and surgeon's certificate who  
5 is guilty of unprofessional conduct. Section 2234, subdivision  
6 (b) provides that gross negligence is unprofessional conduct.  
7 Section 2234, subdivision (c) provides that repeated negligent  
8 acts constitute unprofessional conduct.

9           4.    Section 725 of the Code provides that repeated  
10 acts of clearly excessive prescribing or administering of drugs  
11 as determined by the standard of the community of licensees is  
12 unprofessional conduct.

13           5.    Section 2241 of the Code provides that prescribing  
14 controlled substances to habitual users or addicts is  
15 unprofessional conduct.

16           6.    Section 2242, subdivision (a) of the Code provides  
17 that prescribing controlled substances without a good faith prior  
18 examination is unprofessional conduct.

19           7.    Section 2239, subdivision (a) of the Code provides  
20 that the self-prescribing or use a controlled substance is  
21 unprofessional conduct.

22           8.    Section 2238 of the Code provides that a violation  
23 of any federal statute or regulation or any California statute or  
24 regulation regulating dangerous drugs or controlled substances  
25 constitutes unprofessional conduct.

26           9.    Section 4232 of the Code provides that all  
27 physicians shall maintain a current inventory of the purchase and

1 disposition of controlled substances and shall have that  
2 inventory open for inspection by authorized officers of the law  
3 at all times during business hours.

4 10. Respondent is subject to disciplinary action  
5 pursuant to section 2234(a) as follows:

6 (A) Respondent violated section 2239, subdivision (a)  
7 of the Code in that on April 18, 1991, respondent provided a  
8 urine sample to Medical Board investigators. An analysis of that  
9 sample revealed the presence of cocaine and hydrocodone.

10 (B) Respondent further violated section 2239,  
11 subdivision (a) of the Code in that between January, 1989 and  
12 September, 1989, respondent self-prescribed large amounts of  
13 hydrocodone.

14 11. Respondent is subject to disciplinary action  
15 pursuant to section 4232 of the Code in that he failed to keep a  
16 current inventory of his purchase and disposition of controlled  
17 substances between 1989 and 1991, and failed to produce that  
18 inventory for inspection by law enforcement officers.

19 J.W.<sup>1/</sup>

20 12. Respondent is subject to disciplinary action  
21 pursuant to section 2234 of the Code alleged as follows:

22 (A) J.W. was respondent's patient between February,  
23 1989 and January, 1991.

24 (B) In December, 1989, respondent violated section  
25 2242, subdivision (a) of the Code by prescribing hydrocodone  
26 without first giving J.W. a good faith physical examination..

27  
1. Patient's names will be provided on request.

1 (C) Respondent violated section 2241 of the Code by  
2 continuing to prescribe hydrocodone to J.W. in late 1989 to 1991  
3 after respondent knew, or should have known, that J.W. had become  
4 addicted to the drug.

5 (D) Respondent violated section 2234 of the Code by  
6 failing to employ other, non-narcotic, treatment modalities to  
7 treat J.W.'s back pain.

8 (E) Respondent violated section 2234 of the Code by  
9 failing to taper J.W.'s use of hydrocodone and acetaminophen down  
10 to therapeutic dosages, and/or by failing to refer J.W. to a  
11 chronic pain management program.

12 (F) Respondent violated section 725 of the Code by  
13 prescribing excessive amounts of acetaminophen to J.W. from 1989  
14 to 1991.

15 (G) Respondent violated section 2234 of the Code by  
16 failing to keep adequate records of this treatment of J.W. from  
17 1989 to 1991.

18 R.M.

19 13. Respondent is subject to disciplinary action  
20 pursuant to section 2234 of the Code alleged as follows:

21 (A) R.M. was respondent's patient between December,  
22 1989 and December, 1990.

23 (B) Respondent violated section 2242, subdivision (a)  
24 of the Code by prescribing hydrocodone to R.M. in September,  
25 1989, three months prior to respondent's first examination of  
26 R.M.

27 ///

1 (C) Respondent violated section 725 of the Code in  
2 that he continued to increase the dosages of hydrocodone  
3 prescribed for R.M. to levels high enough to induce physical  
4 habituation.

5 (D) Respondent violated section 2241 of the Code by  
6 continuing to prescribe hydrocodone to R.M. in June, 1990, even  
7 though R.M.'s continued use and increased tolerance to the drug  
8 indicated addiction.

9 (E) Respondent violated section 2234, subdivision (b)  
10 of the Code, gross negligence, by failing to implement a  
11 comprehensive treatment plan for R.M.'s chronic headaches, rather  
12 than prescribing hydrocodone as the sole treatment modality.

13 (F) Respondent violated section 2234, subdivision (c)  
14 of the Code by failing to keep adequate records of his treatment  
15 of R.M. from 1989 to 1990.

16 M.O.

17 14. Respondent is subject to disciplinary action  
18 pursuant to section 2234 of the Code alleged as follows:

19 (A) M.O. was respondent's patient from March, 1989 to  
20 December, 1989. Respondent treated M.O. for a sports-related  
21 neck injury.

22 (B) Respondent violated section 725 of the Code by  
23 prescribing Vicodin for M.O.'s injury in an amount great enough  
24 to cause physical habituation.

25 (C) Respondent violated section 2234 of the Code by  
26 prescribing medication to M.O. from June 1989 to December 1989  
27 without performing any physical examination.

1           15. Respondent is subject to disciplinary action  
2 pursuant to section 2234, subdivision (c) of the code alleged as  
3 follows:

4           (A) Paragraph 10(A) is incorporated here as fully set  
5 forth above.

6           (B) Respondent violated section 2234, subdivision (c),  
7 repeated negligent acts, by failing to maintain records between  
8 January, 1989 and September, 1989, regarding the disposition or  
9 administration of the self-prescribed hydrocodone.

10           16. Respondent is further subject to disciplinary  
11 action pursuant to section 2234, subdivision (c) of the Code  
12 alleged as follows:

13           (A) Paragraphs 12 through 14(C), inclusive, are  
14 incorporated here as fully set forth above.

15           (B) Respondent violated section 2234, subdivision (c)  
16 of the Code by failing to keep adequate medical records of his  
17 treatment of patients J.W., R.M., and M.O.

18           WHEREFORE complainant prays that the Division of  
19 Medical Quality hold a hearing on the matters alleged herein and  
20 following said hearing issue a decision:

21           1. Suspending or revoking the physician and surgeon's  
22 certificate issued to respondent Dennis L. Chez, M.D.; and

23           2. Prohibiting respondent from supervising a  
24 physician's assistant; and

25 ///

26 ///

27 ///

proper.

DATED:

*Ronald Arnett, MD for*

Dixon Arnett  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

2-3-93

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